

## BEFORE THE DIVISION OF WATER RIGHTS

In The Matter Of:  BLAINE HATCH  <b>RESPONDENT</b>	<b>DELINQUENT ASSESSMENT COLLECTION NOTICE</b>  SEAA No. 1407 DISTRIBUTION ACCOUNT: 102174 WATER RIGHTS: 61-2206 & 61-2220
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### I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-1 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-1 states in part :

(3) (a) (i) *The salary and expenses of the commissioner and all other expenses of distribution, ... shall be borne pro rata by the users of water from the river system or water source in accordance with a schedule to be fixed by the state engineer.*

(ii) *The schedule shall be based on the established rights of each water user, and the pro rata share shall be paid by each water user to the state engineer on or before May 1 of each year.*

(c) *If a water user fails to pay the assessment as provided by Subsection (3)(a), the state engineer may do any or all of the following:*

(i) *create a lien upon the water right affected by filing a notice of lien in the office of the county recorder in the county where the water is diverted and bring an action to enforce the lien;*

(ii) *forbid the use of water by the delinquent water user or the delinquent water user's successors or assignees, while the default continues; or*

(iii) *bring an action in the district court for the unpaid expense and salary.*

(d) *In any action brought to collect any unpaid assessment or to enforce any lien under this section, the delinquent water user shall be liable for the amount of the assessment, interest, any penalty, and for all costs of collection, including all court costs and a reasonable attorney fee.*

### II. STATEMENT OF FACTS

The following Distribution Assessment Notices have been issued for distribution account 102174.

DATE	NOTICE TYPE	AMOUNT
April 10, 2008	Partial Annual Assessment	\$51.83
May 6, 2008	Partial Annual Assessment	\$24.57
October 6, 2008	Delinquent Fee	\$7.64
March 19, 2009	Annual Assessment	\$78.50
August 4, 2009	Delinquent Fee	\$16.25
March 15, 2010	Annual Assessment	\$76.27
July 15, 2010	Delinquent Fee	\$25.51
<b>Unpaid Balance Including Assessments and Delinquent Penalties:</b>		<b>\$280.57</b>

SCANNED  
ON SEAA 1407

### III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of **\$280.57** must be paid in full within 30 days of the date of this Notice.
2. Payment of the unpaid balance shall be made in the form of a check payable to **"Utah State Engineer"** delivered to the address below:  
Utah State Engineer  
1594 West North Temple  
PO Box 146300  
Salt Lake City, UT 84114-6300
3. The enclosed assessment notice must be submitted with the payment and the distribution account number, 102174, must be written on the check.

### IV. ADDITIONAL AGENCY ACTION


1. The Respondent is encouraged to pay the unpaid balance in full as required by this Notice. If the payment is made in a timely manner, the Division will conclude this agency action.
2. If the payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until the payment is made as allowed under Utah Code Ann. § 73-5-1 (3)(c)(ii).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).

## V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

*Susan Odekirk*  
(801) 538-7431  
*susanodekirk@utah.gov*  
PO BOX 146300  
Salt Lake City, Utah 84114-6300

Dated this 29th day of September, 2010

  
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Susan Odekirk  
Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 29th day of September 2010, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

BLAINE HATCH  
17 S 100 E  
RICHFIELD, UTAH 84701

*Kelly K. Horne*

Kelly Horne  
Division of Water Rights  
Field Services Secretary

**U.S. Postal Service™ Delivery Confirmation™ Receipt**

Postage and Delivery Confirmation fees must be paid before mailing.  
Article Sent To: (to be completed by mailer)

DELIVERY CONFIRMATION NUMBER:  
0308 2040 0001 6219 8547

(Please Print Clearly)

Blaine Hatch  
17S100E Richfield UT 84701

Postmark  
here

9/29/10

**POSTAL CUSTOMER:**

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
or call 1-800-222-1811

**CHECK ONE (POSTAL USE ONLY)**

- ☒ Priority Mail™ Service  
☐ First-Class Mail® parcel  
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PS Form 152, May 2002

(See Reverse)



GARY R. HERBERT  
Governor  
GREG BELL  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
Executive Director

KENT L. JONES  
State Engineer/Division Director

## 2010 WATER DISTRIBUTION ASSESSMENT NOTICE

HATCH, BLAINE  
PO BOX 440061  
KOOSHAREM, UT 84744-0061

SEVIER RIVER Distribution System

Account No: 102174

Transaction Date	Description	Debits	Credits
03/19/2009	Previous Balance	84.04	
08/04/2009	Assessment	78.50	
03/15/2010	Delinquent Penalty	16.25	
03/15/2010	Assessment	76.27	
07/15/2010	Delinquent Penalty	25.51	
	<b>Total Amount Due</b>	<b>280.57</b>	

Payment is due by May 1st. A 10% delinquent penalty will be added AFTER June 1st.

Retain this section for your records. Direct questions to (801) 538-7415.

## Water Assessment Payment Coupon

SEVIER RIVER Distribution System

Account No: 102174

Year 2010 Payment \$280.57

Make payable to STATE ENGINEER and note ACCOUNT NO on your check.  
Return this portion with your payment. Write name or address changes below.

